THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.22998 of 2007

Between:

P.Maheswar Rao.

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PETITIONER

and

The District Collector and another.

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RESPONDENTS

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ORDER:

It is the case of the petitioner that he purchased the lands admeasuring Ac.2-80 cents in Sy.No.136-2 and Ac.2-43 cents in Sy.No.136-3 respectively situated at G.C.Palli Village, Rajam Mandal, Srikakulam District, long back. While so, Form-II notice under 3 of A.P.Assigned Lands (Prohibition of Transfers) Rules, 2007 has been issued to the petitioner on 06-06-2007 alleging that the said lands are assigned in favour of one Regulavalasa Janakeswaramma and the said assignee alienated the said lands in contravention of sub-section (2) of Section 3 of the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 (for short "the Act"), calling upon the petitioner to submit explanation within fifteen days as to why he shall not be summarily evicted from the lands in question. Pursuant to the said notice, the petitioner submitted an explanation on 26-06-2007. It is stated that even before final order has been passed, the 2nd respondent is taking steps to dispossess the petitioner from the lands in question.

It is further stated that in fact after filing this writ petition on 26-10-2007, the petitioner received the final order passed by the 2nd respondent in SR.No.183/2007/B, dated 19-09-2007, resuming the lands in question into Government custody.

It is further stated that under Section 4-A (1) of the Act, the petitioner has got 90 days time to file an appeal before the Revenue Divisional officer i.e., upto 18-11-2007. But, even before expiry of the appeal period, the 2nd respondent is taking steps to dispossess the petitioner from the lands in question.

However, it is brought to the notice of this Court that in the similar facts and circumstances of the case, this Court in W.P.No.18203 of 2007, dated 28-08-2007, directed not to interfere with the possession of such persons till expiry of the appeal period.

Admittedly, in the instant case, the appeal period expires by 18-11-2007. Therefore, I am of the opinion that it is just and proper to direct the 2nd respondent not to interfere with the petitioner's peaceful possession

and enjoyment of the lands in question till 18-11-2007.

Having regard to the facts and circumstances of the case, the writ petition is disposed of permitting the petitioner to file an appeal before the Revenue Divisional Officer, against the order of the 2nd respondent, dated 19-09-2007, in proceedings in SR.No.183/2007/B. Further, the 2nd respondent is directed not to interfere with the petitioner's peaceful possession and enjoyment of the lands in question till 18-11-2007. There shall be no order as to costs.

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05-11-2007

Note:
Issue C.C. in two days
(B/o)
Prv